



**250 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-5440-2025**

Date of Decision: 12.05.2025

Kapil @ Ravi

..... Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Ravinder Phogat, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

**Rajesh Bhardwaj, J. (ORAL)**

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.58 dated 04.03.2024 under Section 148, 149, 307, 452 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Tosham, District Bhiwani.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Sachin. It was alleged by the complainant that on 03.03.2024 at about 11:00/12:00 p.m., he went to wedding of Baljeet's son and daughter. When he was coming back home, Vikas, Dhoop Singh, Sonu came in a camper car and started abusing him. He got scared and ran back inside Baljeet's house. Then Vikas, Dhoop Singh, Sonu, Ravi (petitioner) and Manish all five entered into the house of Baljeet Singh. Vikas @ Kashi opened fire with intention to kill him, which hit one Sharvan on his left leg. Thereafter, Sonu fired from his pistol, which hit on the right leg of one Gulshan. After causing injuries, all those boys escapes from the scene of occurrence. Thus, request was made to take legal action against the accused. On the registration of the FIR, the investigation



commenced. The petitioner was arrested on 04.04.2024. The petitioner approached the Court of learned Sessions Judge, Bhiwani praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 20.12.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case on account of the rivalry between the parties. He submits that from the bare reading of the allegations as alleged in the FIR, neither the petitioner was alleged to be armed with any weapon, nor he has caused any injury to anyone. He submits that the petitioner was alleged to be part of the unlawful assembly. It is submitted that the petitioner is behind bars from the date of his arrest. He submits that from the facts and circumstances of the case, no *prima facie* case as alleged against the petitioner is made out. He submits that all the material witnesses have already been examined by the prosecution and thus, there is no probability of the petitioner influencing the prosecution witnesses. He submits that though the petitioner is prosecuted in other cases, however, he is on bail in those cases. He submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is duly named in the FIR and he was the part of of the unlawful assembly, who played an active role in committing the offence as alleged. He submits that



the petitioner is a habitual offender, who is involved in various other cases. On instructions from SI Umed Singh, he submits that out of total 40 prosecution witnesses, 23 witnesses have been examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that in all there are six accused. As per the case of the prosecution, the petitioner was the part of the unlawful assembly. However, neither the petitioner was alleged to be armed with any weapon nor he has been alleged to have caused any injury to any person from the complainant side. Out of total 40 prosecution witnesses, 23 witnesses have been examined including the complainant and the injured. As reflected from the custody certificate, the petitioner has suffered incarceration of 01 year 01 month & 06 days as on 10.05.2025. Though the petitioner is involved in other cases, however, he is on bail in the same.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.



8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.
9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

|                   |                             |        |
|-------------------|-----------------------------|--------|
|                   | <b>(RAJESH BHARDWAJ)</b>    |        |
|                   | <b>JUDGE</b>                |        |
| <b>12.05.2025</b> | Whether Speaking/Reasoned : | Yes/No |
| sharmila          | Whether Reportable :        | Yes/No |